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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,269

06/20/2003

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H-203315

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7590

09/08/2006

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EXAMINER

DIXON, MERRICK L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,269

Applicant(s)

KIA ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Appeal Decision of 6-22-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 20-27 is/are allowed.
- 6) ☒ Claim(s) 11-19; 28-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

  
MERRICK DIXON  
PRIMARY EXAMINER

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It is noted applicants amended claim 28. However, same amendment is was not allowed in the Advisory of 4-5-2006. The relevant/pending amendment is filed 10-5-05 and not 2-27-2006 to which the Appeal appears to be subject of. Thus the amendment of 10-5-05 ant the claims contained therein, are relevant..

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 11-19 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okayama(JP2001-150559) in view of Andersen et al(US 5830548).

The cited primary reference teaches the claimed process including applying a gel coat onto a mold, applying a barrier thereon, and applying a laminate over the barrier layer – see Abstract. The primary reference teaches fibers in its respective layers. The secondary reference to Lindberg et al, however, teaches the aspect of such fibers be various types, amounts and dimensions- col 22, lines 4-13; col 20, lines 45-52; col 10, lines 23-39;see entire reference. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and incorporate fibers of be various types, amounts and dimensions in respective layers of the primary reference , in the absence of unexpected results motivated by the desire to impart desired properties/characteristics to said article of the

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primary reference – col 11, lines 46-54. It is noted those limitations relating to the process are germane to the instant question for patentability, not those claimed limitations directed to structure limitations. See Ex parte Pfeiffer, 1962 C.D. 408(1961). Accordingly, applicants' limitations directed to weights of the recited material and fillers, are of no patentable consequences to the instant question for patentability which must be manipulatively distinct. Thus and relating to claims 12-14, and 31-34, the resulting types/products, amounts and dimensions of material used during the claimed process are of no patentable consequences which must be manipulatively distinct for reasons discussed above.

However, the secondary reference teaches various length fibers as required by claims 11,15,19- see col 22, lines 8-11

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Claims 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okayama and Andersen et al('548) as applied to claims 11-19 and 28-34 above, and further in view of GB Patent (1493547).

.The reference to GB '547 teaches that it is known in the art to curing the products such as taught by the obvious combined teachings above and remove same from a mold-  
page 4, lines 115-120; page 4, lines 110-125

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

**personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700